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COMMITTEE ON ECONOMIC, SOCIAL
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Pre-sessional Working Group
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the initial report of Bolivia concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.44)

I. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

Status of implementation of the Covenant

1. Please indicate why the State party waited for 17 years before submitting its initial report, having ratified the Covenant in 1982.

2. Please explain why the Covenant has not been ratified by means of the due constitutional process, and why it cannot be invoked before the national courts of law.

3. Please provide updated information on the measures taken by the State party to inform the public at large, in addition to civil servants, lawyers and judges, with regard to the rights contained in the Covenant.

4. Please provide information on the role of the "defensor del pueblo" with regard to economic, social and cultural rights.

5. What is the official status of indigenous languages such as Guechac, Aymara and Tupi Guarani? What are the legal and administrative procedures that have to be conducted in these languages?

6. Please indicate what has been done to reduce or eliminate the unconstitutional provisions in specific legislation relating to combating drug trafficking (paragraph 262 of the core document, HRI/CORE/1/Add.54/Rev.1).

7. The Committee would appreciate receiving information on the State party's position with regard to the proposal to adopt an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts.1-5)

Article 2.2. Non-discrimination

8. How is the status of refugees determined in Bolivia? Do refugees enjoy the same economic, social and cultural rights, in particular the right to work, health and education, as Bolivian citizens?

Article 3. Equality between men and women

9. Please provide information on the issue of equality between men and women and the steps taken to improve such equality.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Article 6. The right to work

10. Please provide information on the specific measures taken to reduce the level of unemployment. In particular, are there any measures to combat unemployment among young people and long-term unemployment?

11. Has the draft legislation aimed at amending the General Labour Law currently in force, which has been said to discriminate against women (para. 85 of the report), been enacted?

12. Please indicate whether the State party intends to ratify International Labour Organization (ILO) Conventions 2 and 29, concerning unemployment and forced labour respectively.

Article 7. The right to just and favourable conditions of work

13. Please provide information on how the minimum wage is determined and whether it ensures a decent living for workers and their families in accordance with article 7, paragraph (a) (ii), of the Covenant.

14. Is there a labour inspection body and, if so, what resources and powers does it have?

15. Is there a plan of action for the prevention of occupational accidents and occupational diseases?

16. What specific measures have been taken to reduce child labour?

Article 8. Trade union rights

17. What restrictions are placed on the right of workers to form trade unions freely, particularly in agriculture and the civil service (arts. 1 and 104 of the General Labour Law)?

18. Can foreign workers in Bolivia join the trade union of their choice and be elected to office?

19. Please state which limitations are placed on the right to strike (art. 113 of the General Labour Law).

20. Please provide specific information on the actual exercise of trade union rights, the right to strike and on the follow-up of International Labour Organization recommendations.

Article 9. The right to social security

21. Please indicate the coverage rates for the various social security benefits (in particular sickness, disability and old age).

Article 10. Protection of the family, mothers and children

22. Please indicate the degree of implementation of Law No. 1674 against violence within the family (para. 209 of the report) and provide statistics on this subject.

23. What specific measures have been taken to reduce the maternal and infant mortality rates? Kindly provide relevant statistical data for the past five years.

24. Please state whether there are policies and programmes concerning birth control and sex education.

25. What measures have been taken to avoid the exploitation of children? What is the State party's position with regard to "criaditos" (indigenous children placed in well-off families)?

26. Please specify the functions of the "offices of the Children's and Adolescents' Ombudsman" mentioned in paragraph 261 of the report.

Article 11. The right to an adequate standard of living

27. Is there a short-term and medium-term plan to improve the living standards of the poorest? In this respect, please describe the role of the National Food and Nutrition Council (CONAN) (para. 307 of the report) and the National Council for Food Security (CONALSA) (para. 308 of the report) or other bodies with similar mandates and functions.

28. Is there a specific policy of amalgamating the "minifundios" mentioned in paragraph 329 of the report? To what extent is the National Institute on Agrarian Reform (INRA) Act on agrarian reform being implemented?

29. Which measures does the State party intend to take to address the serious problem of the absence of title to property, which affects 700,000 families (para. 349 of the report), for example legalization of the position of occupants who have no title?

30. What is the State's policy on the construction of social housing?

Article 12. The right to health

31. Please state what are the initial results of the Strategic Health Plan (PES) introduced by the present Government (para. 378 of the report), and to what extent does it conform with the Committee's General Comment No. 14 on the right to health?

32. In what time frame does the State party expect to achieve the objectives of the decree of 31 December 1998 (para. 175 of the report) establishing the "Basic Health Insurance" (SBS), which aims to provide social protection for the entire population? What is the current situation?

33. What progress has been made in the control of endemic diseases, especially in the poorest areas of the country? Please provide comparative and disaggregated statistical data on immunization for the past five years.

Articles 13 and 14. The right to education

34. Have the targets for the reduction of illiteracy mentioned in paragraph 451 of the report been achieved?

35. Have the strategies for expanding the school network in rural areas been successful?

36. Please indicate whether the State party has achieved the target mentioned in paragraph 447 of the report for increasing coverage of primary education from 79.8 per cent to 86.9 per cent.

37. What is the percentage of students at public universities and private universities?

38. Please provide information on the salaries of teachers in primary, secondary and higher education, indicating the level of salaries in comparison with other professions in the public or private sector.

Article 15. The right to take part in cultural life and to enjoy the benefits of scientific progress

39. Bolivia proclaims itself to be a multi-ethnic and multicultural country, which recognizes the economic, social and cultural rights of the indigenous peoples (para. 33 of the report). How are the indigenous peoples involved in the cultural policies that concern them?

40. What specific programmes and measures has the State party adopted to contribute to the preservation and study of indigenous languages and cultures?

41. What are the results of the amendments to the legislation on cultural heritage mentioned in paragraph 481 of the report?

42. Has the draft law on science and technology referred to in paragraph 489 of the report been adopted? What is its general content?